

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

DEC 16 2009

**APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION**

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. **OWNER:** Kentucky Department of Fish and Wildlife Resources
Give name of person(s), company, governmental unit, or other owner of proposed project. 20066A
MAILING ADDRESS: # 1 Sportsman's Ln. Frankfort, KY 40601
TELEPHONE #: 502-564-5448 **EMAIL:** ron.brooks@ky.gov
2. **AGENT:** _____
Give name of person(s) submitting application, if other than owner.
ADDRESS: _____

TELEPHONE #: _____ **EMAIL:** _____
3. **ENGINEER:** _____ **P.E. NUMBER:** _____
Contact Division of Water if waiver can be granted.
TELEPHONE #: _____ **EMAIL:** _____
4. **DESCRIPTION OF CONSTRUCTION:** Describe the type and purpose of construction and describe stream impact Gravel substrate in John's Creek has been buried from excessive sedimentation. Enhancement of in-stream physical habitat is needed to provide habitat diversity, to encourage fish usage, and to create spawning habitat. Boulder clusters and up to seven double-wing deflectors will be placed along a 0.2 mile reach of John's Creek in an effort to increase the amount of clean swept gravel substrate to increase spawning success of white bass and improve aquatic habitat.
5. **COUNTY:** Pike **NEAREST COMMUNITY:** Thomas, KY/ McCombs, KY
6. **USGS QUAD NAME:** Thomas **LATITUDE/LONGITUDE:** Lat. 37.66771 Long. -82.59933
7. **STREAM NAME:** John's Creek **WATERSHED SIZE (in acres):** 84,930 acres
8. **LINEAR FEET OF STREAM IMPACTED:** 525 linear feet (up to 7 structures 75' each)
9. **DIRECTIONS TO SITE:** John's Creek is located along KY-194, 2.1 miles south of Thomas, KY and 2.6 miles north of McCombs, KY in Pike County
10. **IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE?** ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. **DATE:** _____
11. **ESTIMATED BEGIN CONSTRUCTION DATE:** December 2009
12. **ESTIMATED END CONSTRUCTION DATE:** December 2010

13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☒ No If yes, attach a copy of that permit.

14. THE APPLICANT MUST ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- ☒ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
☐ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ☐ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

Jimmy Kiser, Local Floodplain coordinator (see signature below)
Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: _____

List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

Figure 1. Map showing approximate location of John's Creek, Dewy Lake, and associated roads to project site

Figure 2. Aerial photo of John's Creek with upper and lower limits of project site

Figure 3. Topographic map of John's Creek with upper and lower limits of the project site

Figure 4. Cross section of proposed double wing deflectors in John's Creek

Figure 5. Plan view of proposed double wing deflectors in John's Creek

17. I, _____ (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: _____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: _____

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: _____

Jimmy Kiser
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: 11/24/09

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

MAP, PROJECT AND VICINITY FIGURES:

FIGURE 1: Vicinity map

FIGURE 2: Aerial photo map

FIGURE 3: Topographic map

FIGURE 4: Cross section drawing of double-wing deflector structure

FIGURE 5: Horizontal (plan-view) of double-wing deflector structure

Advertising Receipt

Appalachian News-Express

P.O. Box 802
Pikeville, KY 41502
Phone: (606) 437-4054
Fax: (606) 437-4246

Courtney Hunt
Kentucky Department of Fish and W
#1 Sportsman's Lane
FRANKFORT, KY 40601

Cust#: 00503796-000
Ad#: 00517567
Phone: (502)564-7109
Date: 12/01/09

Ad taker: LM Salesperson: Classification: 650

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
06 News-Express	12/02/09	12/05/09	3	50.40		151.20

Payment Reference:

Public
Notice

Notice is hereby given that the Kentucky Department of Fish and Wildlife Resources (# 1 Sportsman's Lane, Frankfort, KY 40601), has filed an application with the Natural Resources and Environmental Protection Cabinet to install up to seven wing deflectors and/or rock structures along a 0.20 mile reach of John's Creek in an effort to increase the amount of clean swept gravel substrate available to improve the fisheries. The project is located in the headwaters of Dewey Lake along KY-194, 2.1 miles south of Thomas, KY and 2.6 miles north of McCombs, KY in Pike County. Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 200 Fair Oaks-4 th Floor, Frankfort, Kentucky 40601. Phone: (502) 564- 3410.

Total: 151.20
Tax: 0.00
Net: 151.20
Prepaid: 151.20

Total Due 0.00

Kentucky
fort, KY 40601. Phone:
(502) 564- 3410.

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**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
TOURISM, ARTS, AND HERITAGE CABINET**

Steven L. Beshear
Governor

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gassett
Commissioner

DEC 16 2009

December 15, 2009

Kentucky Division of Water
200 Fair Oaks, 4th Floor
Frankfort, KY 40601

Dear Division of Water Representatives:

SUBJECT: Permit Applications: Floodplain, KPDES, 401 WQC
ARRA ("Stimulus") Project
USFWS Cooperative Agreement No. 40181RJ015
Treasury Symbol: 1409/101610
Project Title: John's Creek In-stream Habitat Project
Pike County, Kentucky

Please find attached applications for Floodplain, 401 Water Quality Certification, and KPDES permits to conduct stream habitat activities in John's Creek, Pike County, Kentucky. The proposed project has been approved by USFWS for funding under the ARRA ("Stimulus") grants. The proposed project will involve installing up to seven double-wing deflectors and boulder clusters in a reach of John's Creek that is impaired from excessive fine sediments. The project is just above the impoundment but within the influence of Dewey Lake at higher water levels. The project is intended to improve seasonal spawning habitat for white bass.

Thank you for your time and consideration. Your attention to this matter is greatly appreciated. Please contact me at 502-564-7109 ext. 4471 if you have any questions.

Sincerely,

Mike Hardin, Assistant Director
Division of Fisheries

attachments

cc: Ron Brooks, KDFWR
Ryan Oster, KDFWR
Doug Dawson, KDFWR
Walter "Tripp" Boltin, USFWS

